

Panaji, 4th April, 2019 (Chaitra 14, 1941)

SERIES I No. 1

# OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

## NOTE

There are two Extraordinary issues to Official Gazette, Series I No. 52 dated 28-3-2019, as follows:-

(1) Extraordinary dated 29-3-2019 from pages 3481 to 3510, Notifications from Department of Finance (Revenue and Control Division) regarding the Goa Goods and Services Tax.

(2) Extraordinary (No. 2) dated 1-4-2019 from pages 3511 to 3528 Notification No. 38/1/2017-Fin(R&C)(98)/2647 from Department of Finance(R&C) regarding Goa GST (Second Amendment) Rules, 2019.

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## GOVERNMENT OF GOA

Department of Labour

## Corrigendum

24/43/2018-LAB/240

Read:- Order No. 24/43/2018-LAB/98 dated 28-01-2019.

In partial modification of the Order No. 24/43/2018-LAB/98 dated 28-01-2019, published in the Official Gazette of the Government of Goa, for the Department of Labour &

Employment, the following changing are to be read as stated:

1. Paragraph 5 to now read as:

“Now therefore, all the employers, contractors, users and other concerned persons are hereby directed to use format annexed as Annexure A for filing the return in respect of Acts and Rules shown in Annexure B via online system only”.

2. Previous Annexure A to be replaced with the updated Annexure A as enclosed.

2 3. Annexure B to include the following:

Sr. No.	Acts and Rules	Single Integrated/Consolidated Return	Maintenance of Registers in Electronic Format
1.	The Employees State Insurance Act, 1948	Not Applicable	Not Applicable
2.	The Building and Other Construction Workers Welfare Cess Act, 1996	Not Applicable presently (The Department shall notify when form has been finalized and included in the online filing system.)	Not Applicable

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).

Porvorim, 29th March, 2019.

ANNEXURE A

INTEGRATED/CONSOLIDATED RETURNS

(1) Returns for the year: .....

**A. General Part:**

- (1) Name and address of the Establishment/Factory/Motor Transport Undertaking:
- (2) Telephone No: Fax No: Mobile No: Email ID:
- (3) Category of Establishment:
- (4) Factory Identification Number:
- (5) Name and Address of the Employer/Principal Employer/Contractor:
- (6) Name and Address of the manager or person responsible for the supervision and control of the Establishment:

**B. Employers Registration/License number under the Acts mentioned in Column (5) of the table below:—**

Sl. No.	Name of the Act	Registration	If Yes (Registration/Licence No.)
1.	Goa, Daman and Diu Shops and Establishment Act, 1973 and the Rules, 1975		
2.	Minimum Wages Act, 1948 and the Rules, 1975		
3.	Payment of Wages Act, 1936 and the Rules, 1964		
4.	Payment of Bonus Act, 1965 and the Rules, 1965		
5.	Contract Labour (Regulation & Abolition) Act, 1970 and the Rules, 1972.		
6.	Inter-State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979 and the Rules, 1982		
7.	Building and other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996 and the Rules, 2008		
8.	Motor Transport Workers Act, 1961 and the Rules, 1966		
9.	Maternity Benefit Act, 1961 and the Rules, 1967		
10.	Industrial Disputes Act, 1947 and the Rules, 1957		

**C. Details of Workmen Employed:**

1. Normal Working Hours: From \_\_\_\_\_ to: \_\_\_\_\_
2. Rest Interval Hours: From \_\_\_\_\_ to: \_\_\_\_\_
3. Day of weekly holiday (Tick ✓): (Monday/Tuesday/Wednesday/Thursday/Friday/Saturday/Sunday).

	Direct	Contract (Roll of Establishment)	Contract (Through contractor)	Inter-State	BOCWA	Male	Female	Adolescent	Total
1.	Total Number of days worked during the year								
2.	Total Number of Man-days worked during the year								
3.	Maximum number of workers employed in any day during the year								
4.	Average number of workers employed daily								

- 4
5. Number of workers entitled for annual leave
6. Number of works who were granted annual leave

**D. Wages paid during the year (Category Wise):**

Category	Rates of Wages	Number of Workers Employed					
		Regular/Direct Workers			Contract		
		Male	Female	Adolescent	Total	Male	Female
Highly Skilled							
Skilled							
Clerical							
Semi-skilled							
Un-skilled							
Total							

**E. Details of Wage Payments:**

Gross Wages Paid				Deductions			Net Wages Paid		
In cash	By Bank	Overtime	Any other emoluments paid	Total	Fines	Deductions for damage or loss	Other deductions (if, any)	Total	In cash

**F. Details of Various Welfare Amenities provided to workers under the statutory scheme:**

Sr. No.	Details of Welfare Amenities provide (If the answer is "Yes" state briefly standards provided)	If Yes Provided (Tick ✓)	If Not Provided (Tick x)	Number of Workers	Standards Provided
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1. Casual Leave Granted

2. Leave with wages or paid in lieu of leave 3. Canteen Facility 4. Rest Rooms 5. Drinking Water 6. Creches 7. First Aid 8. Ambulance Facility 9. Residential Accommodation 10. Toilet 11. Clothing 12. Safety Measures/Equipments/ /Personnel Protective's 13. Any other facility provided (Please specify)	
<b>(II)</b>	
<b>A. Contract Labour (Regulation &amp; Abolition) Act, 1970 and the Rules, 1972</b>	
1. Nature of work on which contract labour was employed 2. Duration of contract (specify period From & To) 3. Rate of overtime wages. 4. Number of man hours of overtime worked during the year 5. Amount of Security Deposits made by the contractors (give contract-wise) 6. Amount of security deposit forfeited together with the names of contractor if any. 7. Whether there is any change in the management of the establishment, its location, or any other particulars furnished to registering officer, in the form of Application for Registration at the time of Registration, if so, from what date.	
<b>B. The Inter-State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979 and the Rules, 1982.</b>	

Sr. No.	Particulars	Specify Details	Male	Female	Adolescent	Total
1.	Nature of work/operations on which Migrant Workmen was employed					
2.	Duration of contract (specify period From & To)					
3.	Number of contractors who worked in the establishment during the year					
4.	Number of man-hours of overtime worked					
5.	Amount of deductions from wages if any					
6.	Amount of displacement allowance paid					
7.	Amount of outwards journey allowance paid					
8.	Amount of wages for outward journeys period paid					
9.	Amount of return journeys allowance paid					
10.	Amount of wages for return journeys period paid					
11.	Whether there is any change in the management of the establishment, its location, or any other particulars furnished to registering officer, in the form of Application for Registration at the time of Registration, if so, from what date.					

**C. The Building and other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996 and the Rules, 2008.**

1. Nature of building and other construction work carried on
2. Number of building workers ordinarily employed.
3. The number of accident that took place during the year as under:
  - (i) The total number of accidents.
  - (ii) The number of accidents resulting in disablement. of building workers for less than 48 hours, the number of building workers involved and the number of man-days lost
  - (iii) The number of accidents resulting in disablement of building workers beyond 48 hours, but not resulting in any permanent partial or permanent total disablement, the number of building workers involved, and the number of man-days lost on account of such accidents.

- (iv) The number of accidents resulting in permanent partial or total disablement the number of building workers involved and the number, of man-days lost on account of such accidents.
- (v) The number of accidents resulting in deaths of building workers and the number of resultant death.
4. Change, if any in the management of the establishment, its location, or any other particular furnished to the Registering officer in the application for Registration indicating also the dates.

**D. Payment of Bonus Act, 1965 and the Rules, 1975**

Sr. No.	Details	If Yes Provided (Tick ✓)	If Not Provided (Tick x)	Specify Details
1.	Number of employees benefited by bonus Payments			
2.	Total amount payable as bonus (fig. in Rs.)			Rs.
3.	Settlement if any, reached			
4.	Percentage of bonus declared to be paid			@ %
5.	Total amount of bonus actually paid			Rs.
6.	Date on which payment made			
7.	Whether bonus has been paid to all the employees, if not, reasons for non-payment			
	Remarks			

**E. Maternity Benefit Act, 1961 and the Rules, 1967**

Sr. No.	Details	If Yes Provided (Tick ✓)	If Not Provided (Tick x)	Specify Details
A. 1.	Date of opening of establishment			
2.	Date of Closing, if Closed			
3.	Name of the Medical Officer			
4.	Qualification of the Medical Officer			
5.	Is he a resident at			
6.	If a part-time employee, how often does he pay visit to the establishment?			
7.	Is there any hospital			
8.	If so, how many beds are provided for women employees?			

9. Is there a lady doctor?
10. If so, what are her qualification?
11. Is there a qualified midwife?
12. Has any creche been provide?
- B. Employment, dismissal, payment of bonus, etc. for women**
  1. Name of the Employment
  2. Aggregate number of women permanently or temporarily employed during the year
  3. Number of women who worked for a period of not less than one hundred and sixty days in the twelve months immediately preceding the date of delivery.
  4. Number of women who gave notice under section 6
  5. Number of women who were granted permission to absent on receipt of notice of confinement
  6. Number of claims for maternity benefit paid
  7. Number of claims for maternity benefit rejected
  8. Number of cases where prenatal confinement and postnatal care was provided by the management free of charge (section 8)
  9. Number of claims for medical bonus Paid (section 8)
  10. Number of claims for medical bonus rejected.
  11. Number of cases in which leave for miscarriage was granted.
  12. Number of cases in which leave for miscarriage was applied for but was rejected.
  13. Number of cases in which leave for tubectomy operation under Section 9-A was granted.
  14. Number of cases in which leave for tubectomy operation was applied for but was rejected.



15. Number of cases in which additional leave for illness under section 10 was granted.
16. Number of cases in which additional leave for illness under section 10 was applied for but was rejected.
17. Number of women who died
  - (a) Before delivery
  - (b) After delivery
18. Number of cases in which payment was made to persons other than the women concerned.
19. Number of women discharged or dismissed while working
20. Number of women deprived of maternity benefit and/or medical bonus under proviso to sub-section (2) of section 12.
21. Number of cases in which payment was made on the order of the Competent Authority or Inspector.

#### **C. Details of payment**

1. Name of the person to whom paid
2. Amount paid
3. Date of payment
4. Woman employee
5. Nominee of the woman
6. Legal representative of the woman
7. Amount for the period preceding date of expected delivery
8. Amount for the subsequent period
9. Under section 8 of the Act
10. Under section 9 of the Act
11. Under section 9-A of the Act
12. Under section 10 of the Act
13. Number of women workers who absconded after receiving the first installment of maternity benefit

14. Cases where claims were contested in a court of law
15. Results of such cases

**D. Prosecution for the year**

1. Total number of prosecutions for the year
2. Place of employment of the woman employee
3. Number of cases instituted
4. Number of cases which resulted in conviction

**E. Remarks, if any please specify details****F. Industrial Disputes Act, 1947 and the (Central) Rules, 1957**

Sr. No.	Details	If Yes Provided (Tick ✓)	If Not Provided (Tick x)	Specify Details
A. 1	Names of Union, if any?			
2.	Affiliations of the union(s) to the Central Organization of workers			
3.	If the works committee has been functioning			
	(a) Date of its constitution			
	(b) Number of workmen's representative (elected members).			
	(c) Number of employer's representative (nominated members)			
	(d) Number of meetings held during the year with dates.			
4.	If the Works Committee had not been functioning, the difficulties encountered in its constitution/ functioning.			
5.	Number of workers			
	(a) Discharge			
	(b) Dismissed			

(c) Retrenched	
(d) Terminated/Removed	
B.	Man-days lost during the year on account of:
1.	Strike
	(a) No. of man-days lost:
	(b) Loss in term of money:
2.	Lockout
	(a) No. of man-days lost:
	(b) Loss in term of money:
3.	Fatal Accidents:
	(a) No. of man-days lost:
	(b) Loss in term of money:
4.	Non-Fatal accidents/serious accidents in Mines:
	(a) No. of man-days lost:
	(b) Loss in term of money:

**G. Motor Transport Workers Act, 1961 and the Rules, 1966**

Sr. No.	Details	Adults	Adolescents	Total	Specify Details
1.	The number of workers exempted from the provisions of sections				
2.	Number of workers who are entitled to annual leave with wages during the calendar year to which this return relates.				
3.	Number of workers who were granted leave during the year.				
4.	Number of workers discharge or dismissed from service during the year.				
5.	Number of discharged workers paid wages in lieu of leave				
6.	Total amount of wages paid in lieu of leave				
7.	Number of workers exempted from section 19				
8.	Number of workers who received holidays in the				

- (a) Same month  
 (b) Following month  
 (c) Third month
9. Number of dispensaries and situations  
 10. Number of doctors  
 11. Number of nurses  
 12. Approximately average daily attendance of workers

#### H. Details of contribution to Labour Welfare Fund

No. of Employees	Contribution paid to Labour Welfare Board (Rs.)		Unpaid Amount (if any)
	Employees Contribution	Employer Contribution	Total Contribution Half Yearly
(1)	(2)	(3)	(4)
			(5)

#### DECLARATION

This is to certify that the above information is true and correct and also I certify that I have complied with all the provisions of Labour Laws applicable to my establishment.

Place: \_\_\_\_\_, North/South, Goa.      Digital Signature of the Employer/Manager:

Date:    /    /      Name of the Signatory:

Time:        : hrs/am/pm.      Designation in the Establishment:

**Additional Fields to be added to Annexure A**

Details of workmen employed:—

1. Whether weekly holiday was paid for?—

**Goa, Daman and Diu Shops and Establishment Act, 1973**

Additional details as applicable under this Act:

Emoluments Paid in cash before Deduction	Money Value of Concession in kind	Ex-gratia Cash Payment, Adhoc Payement, Bonus, etc.	Contributions by Employer to Social Security Funds	No. of Unpaid Helpers

**Payment of Wages Act, 1936 and Minimum Wages Act, 1948**

Additional details as applicable under these Acts:

Disbursement from the fine fund

Disbursement from the Fine Fund	Purpose	Amount
(a)		
(b)		
(c)		
(d)		

## ANNEXURE B

Sr. No.	Acts and Rules	Single Integrated/ /Consolidated Return	Maintenance of Register in Electronic Format
1.	The Goa, Daman and Diu Shops and Establishment Act, 1973 and the Rules, 1975	Applicable	Applicable
2.	The Minimum Wages Act, 1948 and the Rules, 1975	Applicable	Applicable
3.	The Payment of Wages Act, 1936 and the Rules, 1964	Applicable	Applicable
4.	The Payment of Bonus Act, 1965, and the Rules, 1975	Applicable	Applicable
5.	The Contract Labour (Regulation and Abolition) Act, 1970 and the Rules, 1972	Applicable	Applicable
6.	The Inter-State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979 and the Rules, 1982	Applicable	Applicable
7.	The Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996 and the Rules, 2008	Applicable	Applicable
8.	The Motor Transport Workers Act, 1961 and the Rules, 1966	Applicable	Applicable
9.	The Maternity Benefit Act, 1961 and the Rules, 1967	Applicable	Applicable
10.	The Industrial Disputes Act, 1947 and the Rules, 1957	Applicable	Not Applicable
11.	The Child & Adolescent Labour (Prohibition and Regulation) Act, 1986 and the Rules, 1994	Not Applicable	Applicable
12.	The Equal Remuneration Act, 1976 and the Rules, 1976	Not Applicable	Applicable
13.	The Payment of Gratuity, 1972 and the Rules, 1973	Not Applicable	Applicable
14.	The Working Journalist and Other Newspaper Employees (Condition of Services) and Miscellaneous Provisions Act, 1955 and the Rules, 1957	Not Applicable	Applicable
15.	The Employees State Insurance Acts 1948	Not Applicable	Not Applicable
16.	The Building and Other Construction Workers Welfare Cess Act, 1996	Not Applicable presently (the Department shall notify when form has been finalised and included in the online filing system)	Not Applicable

## Department of Law &amp; Judiciary

Legal Affairs Division

**Notification**

10/6/2018-LA-32

The Constitution (One Hundred and Second Amendment) Act, 2018 which has been passed by Parliament and assented to by the President on 11-08-2018 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 11-08-2018, is hereby published for the general information of the public.

*Julio Barbosa Noronha*, Joint Secretary (Law).  
Porvorim, 29th January, 2019.

THE CONSTITUTION (ONE HUNDRED AND  
SECOND AMENDMENT) ACT, 2018

AN

ACT

*further to amend the Constitution of India*

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Constitution (One Hundred and Second Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of article 338.*— In article 338 of the Constitution, in clause (10), the words, brackets and figures “to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify and also” shall be omitted.

3. *Insertion of new article 338B.*— After article 338A of the Constitution, the following article shall be inserted, namely:—

“338B. (1) *National Commission for Backward Classes.*— There shall be a Commission for the socially and

educationally backward classes to be known as the National Commission for Backward Classes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the socially and educationally backward classes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the socially and educationally backward classes;

(c) to participate and advise on the socio-economic development of the socially and educationally backward classes and to evaluate the progress of their development under the Union and any State;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(e) to make in such reports the recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those

safeguards and other measures for the protection, welfare and socio-economic development of the socially and educationally backward classes; and

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the socially and educationally backward classes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the State Government which shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents;

(f) any other matter which the President may, by rule, determine.

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting the socially and educationally backward classes.”.

4. *Insertion of new article 342 A.*— After article 342 of the Constitution, the following article shall be inserted, namely:—

“342A. *Socially and educationally backward classes.*— (1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the socially and educationally backward classes which shall for the purposes of this Constitution be deemed to be socially and educationally backward classes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the Central List of socially and educationally backward classes specified in a notification issued under clause (1) any socially and educationally backward class, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”.

5. *Amendment of article 366.*— In article 366 of the Constitution, after clause (26B), the following clause shall be inserted, namely:—

“(26C) “socially and educationally backward classes” means such backward classes as are so deemed under article 342A for the purposes of this Constitution;”.

#### Notification

10/6/2018-LA-33

The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 2018 (Central Act No. 21 of 2018), which has been passed by Parliament and assented to by the President on 09-08-2018 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 09-08-2018, is hereby published for the general information of the public.

*Julio Barbosa Noronha*, Joint Secretary (Law).  
Porvorim, 29th January, 2019.



THE REQUISITIONING AND ACQUISITION OF  
IMMOVABLE PROPERTY (AMENDMENT)  
ACT, 2018

AN

ACT

*further to amend the Requisitioning and  
Acquisition of Immovable Property Act,  
1952.*

Be it enacted by Parliament in the Sixty-  
-ninth Year of the Republic of India as  
follows:—

1. *Short title and commencement.*— (1) This  
Act may be called the Requisitioning  
and Acquisition of Immovable Property  
(Amendment) Act, 2018.

(2) It shall come into force on such date as  
the Central Government may, by notification  
in the Official Gazette, appoint.

2. *Amendment of section 7.*— In  
the Requisitioning and Acquisition of  
Immovable Property Act, 1952, in 30 of 1952.  
section 7, after sub-section (1), the  
following sub-section shall be  
inserted and shall be deemed to have  
been inserted with effect from the  
14th March, 1952, namely:—

“(1A) Notwithstanding any judgment or  
order by a court or any other authority,  
setting aside a notice under sub-section (1)  
on the ground that the owner or any other  
person who may be interested in the  
property was not given adequate  
opportunity to show cause or personal  
hearing, the Central Government may re-  
issue the notice to the owner or such other  
person interested in the property, for the  
purpose of giving opportunity of being  
heard:

Provided that where a notice is  
re-issued, the owner or such other  
person interested in the property  
shall be entitled to the same  
annual rate of interest, prevalent  
at any relevant time on the  
domestic fixed deposit offered by

the State Bank of India, as defined  
under clause (g) of section 2 of the  
State Bank of India Act, 1955, on 23 of 1955.  
the compensation payable under  
this Act, from the date of  
publication of the first notice, till  
the final payment of the  
compensation under this Act:

Provided further that any enhanced  
compensation with or without interest  
awarded by the court or other authority,  
before the date of commencement of  
the Requisitioning and Acquisition of  
Immovable Property (Amendment) Act,  
2018, shall be subject to the re-issuance of  
a notice under this sub-section and shall be  
applicable only to the cases of land being  
acquired for national security and defence  
purpose:

Provided also that in the cases, where the  
final award under this Act has been made  
and compensation thereof has been  
accepted by the owner or such other person  
interested in the property, before the  
commencement of the Requisitioning and  
Acquisition of the Immovable Property  
(Amendment) Act, 2018, shall not be  
reopened.”.

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**Notification**

10/6/2018-LA-55

The Specific Relief (Amendment) Act, 2018  
(Central Act No. 18 of 2018), which has been  
passed by Parliament and assented to by the  
President on 01-08-2018 and published in the  
Gazette of India, Extraordinary, Part II,  
Section 1, dated 01-08-2018, is hereby  
published for the general information of the  
public.

*Julio Barbosa Noronha*, Joint Secretary (Law).  
Porvorim, 29th January, 2019.

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THE SPECIFIC RELIEF (AMENDMENT)  
ACT, 2018

AN

ACT

further to amend the Specific Relief Act, 1963.

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Specific Relief (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. *Amendment of section 6.*— In section 6 of the Specific Relief Act, 1963 (hereinafter referred to as the principal Act), in sub-section (1), after the words “he or any person”, the words “through whom he has been in possession or any person” shall be inserted.

3. *Substitution of new section for section 10.*— For section 10 of the principal Act, the following section shall be substituted, namely:—

“10. *Specific performance in respect of contracts.*— The specific performance of a contract shall be enforced by the court subject to the provisions contained in sub-section (2) of section 11, section 14 and section 16.”.

4. *Amendment of section 11.*— In section 11 of the principal Act, in sub-section (1), for the words “contract may, in the discretion of the court”, the words “contract shall” shall be substituted.

5. *Substitution of new sections for section 14.*— For section 14 of the principal Act, the following sections shall be substituted, namely:—

“14. *Contracts not specifically enforceable.*— The following contracts cannot be specifically enforced, namely:—

(a) where a party to the contract has obtained substituted performance of contract in accordance with the provisions of section 20;

(b) a contract, the performance of which involves the performance of a continuous duty which the court cannot supervise;

(c) a contract which is so dependent on the personal qualifications of the parties that the court cannot enforce specific performance of its material terms; and

(d) a contract which is in its nature determinable.

14A. *Power of court to engage experts.*—

(1) Without prejudice to the generality of the provisions contained in the Code of Civil Procedure, 1908, in any suit under this Act, where the court considers it necessary to get expert opinion to assist it on any specific issue involved in the suit, it may engage one or more experts and direct to report to it on such issue and may secure attendance of the expert for providing evidence, including production of documents on the issue.

(2) The court may require or direct any person to give relevant information to the expert or to produce, or to provide access to, any relevant documents, goods or other property for his inspection.

(3) The opinion or report given by the expert shall form part of the record of the suit; and the court, or with the permission of the court any of the parties to the suit, may examine the expert personally in open court on any of the matters referred to him or mentioned in his opinion or report, or as to his opinion or report, or as to the manner in which he has made the inspection.

(4) The expert shall be entitled to such fee, cost or expense as the court may fix, which shall be payable by the parties in such proportion, and at such time, as the court may direct.”.

6. *Amendment of section 15.*— In section 15 of the principal Act, after clause (f), the following clause shall be inserted, namely:—

“(fa) when a limited liability partnership has entered into a contract and subsequently becomes amalgamated with another limited liability partnership, the new limited liability partnership which arises out of the amalgamation.”.

7. *Amendment of section 16.*— In section 16 of the principal Act,—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) who has obtained substituted performance of contract under section 20; or”;

(ii) in clause (c),—

(I) for the words “who fails to aver and prove”, the words “who fails to prove” shall be substituted;

(II) in the *Explanation*, in clause (ii), for the words “must aver”, the words “must prove” shall be substituted.

8. *Amendment of section 19.*— In section 19 of the principal Act, after clause (c), the following clause shall be inserted, namely:—

“(ca) when a limited liability partnership has entered into a contract and subsequently becomes amalgamated with another limited liability partnership, the new limited liability partnership which arises out of the amalgamation.”.

9. *Amendment of sub-heading under Chapter II.*— For sub-heading “Discretion and powers of Court” occurring after section 19, the sub-heading “Substituted performance of contracts, etc.” shall be substituted.

10. *Substitution of new sections for section 20.*— For section 20 of the principal Act, the following sections shall be substituted, namely:—

“20. *Substituted performance of contract.*— (1) Without prejudice to the generality of the provisions contained in the Indian Contract Act, 1872, and, except as 9 of 1872. otherwise agreed upon by the parties, where the contract is broken due to non-performance of promise by any party, the party who suffers by such breach shall have the option of substituted performance through a third party or by his own agency, and, recover the expenses and other costs actually incurred, spent or suffered by him, from the party committing such breach.

(2) No substituted performance of contract under sub-section (1) shall be undertaken unless the party who suffers such breach has given a notice in writing, of not less than thirty days, to the party in breach calling upon him to perform the contract within such time as specified in the notice, and on his refusal or failure to do so, he may get the same performed by a third party or by his own agency:

Provided that the party who suffers such breach shall not be entitled to recover the expenses and costs under sub-section (1) unless he has got the contract performed through a third party or by his own agency.

(3) Where the party suffering breach of contract has got the contract performed through a third party or by his own agency after giving notice under sub-section (1), he shall not be entitled to claim relief of specific performance against the party in breach.

(4) Nothing in this section shall prevent the party who has suffered breach of contract from claiming compensation from the party in breach.

20A. *Special provisions for contract relating to infrastructure project.*— (1) No

injunction shall be granted by a court in a suit under this Act involving a contract relating to an infrastructure project specified in the Schedule, where granting injunction would cause impediment or delay in the progress or completion of such infrastructure project.

*Explanation.*— For the purposes of this section, section 20B and clause (ha) of section 41, the expression “infrastructure project” means the category of projects and infrastructure Sub-Sectors specified in the Schedule.

(2) The Central Government may, depending upon the requirement for development of infrastructure projects, and if it considers necessary or expedient to do so, by notification in the Official Gazette, amend the Schedule relating to any Category of projects or Infrastructure Sub-Sectors.

(3) Every notification issued under this Act by the Central Government shall be laid, as soon as may be after it is issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

20B. *Special Courts.*— The State Government, in consultation with the Chief Justice of the High Court, shall designate, by notification published in the Official Gazette, one or more Civil Courts as Special Courts, within the local limits of the area to

exercise jurisdiction and to try a suit under this Act in respect of contracts relating to infrastructure projects.

20C. *Expeditious disposal of suits.*— Notwithstanding anything contained in the Code of Civil Procedure, 1908, a suit filed 5 of 1908. under the provisions of this Act shall be disposed of by the court within a period of twelve months from the date of service of summons to the defendant:

Provided that the said period may be extended for a further period not exceeding six months in aggregate after recording reasons in writing for such extension by the court.”.

11. *Amendment of section 21.*— In section 21 of the principal Act, in sub-section (1), for the words “, either in addition to, or in substitution of,” the words “in addition to” shall be substituted.

12. *Amendment of section 25.*— In section 25 of the principal Act, for the words and figures “the Arbitration Act, 1940”, the words 10 of 1940. and figures “the Arbitration and Conciliation Act, 1996” shall be 26 of 1996. substituted.

13. *Amendment of section 41.*— In section 41 of the principal Act, after clause (h), the following clause shall be inserted, namely:—

“(ha) if it would impede or delay the progress or completion of any infrastructure project or interfere with the continued provision of relevant facility related thereto or services being the subject matter of such project.”.

14. *Insertion of Schedule.*— After Part III of the principal Act, the following Schedule shall be inserted, namely:—

## ‘THE SCHEDULE

[See sections 20A and 41 (ha)]

## Category of projects and Infrastructure Sub-Sectors

Sl. No.	Category	Infrastructure Sub-Sectors
1	2	3
1.	Transport	(a) Road and bridges (b) Ports (including Capital Dredging) (c) Shipyards (including a floating or land-based facility with the essential features of waterfront, turning basin, berthing and docking facility, slipways or ship lifts, and which is self-sufficient for carrying on shipbuilding/repair/breaking activities) (d) Inland Waterways (e) Airports (f) Railway Track, tunnels, viaducts, bridges, terminal infrastructure including stations and adjoining commercial infrastructure (g) Urban Public Transport (except rolling stock in case of urban road transport)
2.	Energy	(a) Electricity Generation (b) Electricity Transmission (c) Electricity Distribution (d) Oil pipelines (e) Oil/Gas/Liquefied Natural Gas (LNG) storage facility (including strategic storage of crude oil) (f) Gas pipelines (including city gas distribution network)
3.	Water and Sanitation	(a) Solid Waste Management (b) Water supply pipelines (c) Water treatment plants (d) Sewage collection, treatment and disposal system (e) Irrigation (dams, channels, embankments, etc.) (f) Storm Water Drainage System (g) Slurry pipelines
4.	Communication	(a) Telecommunication (Fixed network including optic fibre wire/cable networks which provide broadband/ /internet) (b) Telecommunication towers (c) Telecommunications and Telecom Services
5.	Social and Commercial Infrastructure	(a) Education Institutions (capital stock) (b) Sports infrastructure (including provision of Sports Stadia and Infrastructure for Academies for Training/ Research in Sports and Sports relating activities)



1	2	3
		<p>(c) Hospitals (capital stock including Medical Colleges, Para Medical Training Institutes and Diagnostic Centres)</p> <p>(d) Tourism infrastructure viz. (i) three-star or higher category classified hotels located outside cities with population of more than one million; (ii) ropeways and cable cars</p> <p>(e) Common infrastructure for industrial parks and other parks with industrial activity such as food parks, textile parks, Special Economic Zones, tourism facilities and agriculture markets</p> <p>(f) Post-harvest storage infrastructure for agriculture and horticulture produce including cold storage</p> <p>(g) Terminal markets</p> <p>(h) Soil-testing laboratories</p> <p>(i) Cold chain (including cold room facility for farm level pre-cooling, for preservation or storage of agriculture and allied produce, marine products and meat)</p> <p>(j) Affordable Housing (including a housing project using at least 50% of the Floor Area Ratio (FAR)/Floor Space Index (FSI) for dwelling units with carpet area of not more than 60 square meters</p> <p><i>Explanation.</i>— For the purpose of this sub-clause, the term “carpet area” shall have the same meaning as assigned to it in clause (k) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016).’.</p>



## Department of Public Health

### Notification

23/20/2014-I/PHD/861

In exercise of the powers conferred by sub-section (2) of section 1 of the Goa Public Health (Amendment) Act, 2019 (Goa Act 3 of 2019), the Government of Goa hereby appoints the 1st day of April, 2019, as the date on which the provisions of the said Act shall come into force.

By order and in the name of the Governor of Goa.

*Maria Seomara De Souza*, Under Secretary (Health).

Porvorim, 27th March, 2019.

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